

REMARKS

The amendments to claims 1-3, 8, and 13 are supported throughout the application as filed. Accordingly, the amendments to the claims do not introduce new matter.

The Examiner objected to claim 1 for the informal recitation of “polyol-to,” suggesting that perhaps “polyol to” had been intended. Applicants thank the Examiner for the suggestion and have amended claim 1 accordingly, thereby overcoming the objection.

The Examiner rejected claim 13 under 35 U.S.C. § 112, first paragraph, for an asserted lack of written descriptive support for the recitation of thickeners in the claim. In response, Applicants note that page 14, lines 18-33, the application as filed provides that a “‘thickener’ or ‘gelling agent’ . . . include polyvalent metal salts of organic acids, e.g., aluminum, zinc, magnesium or calcium salts of lauric acid, palmitic acid, stearic acid and the like, and oleaginous materials such as waxes and high viscosity oils and organic or inorganic fillers such as polymers and salts.” Additionally, in Example 11 at page 26, lines 13-15, the application as filed discloses the preparation of a thickened oil using stearic acid, stearyl alcohol and combinations thereof as thickeners. Stearyl alcohol exemplifies the alcohol recited in claim 13 as amended. Finally, the application as filed provides express support for “organic acids” (*see* the quoted statement above) and, because fatty acids are a type of organic acid, Applicants have amended claim 13 to delete reference to “fatty acids,” thereby clarifying the subject matter claimed without altering the scope of the claim. For the foregoing reasons, Applicants submit that the rejection of claim 13 under 35 U.S.C. § 112, first paragraph, for asserted lack of written descriptive support has been overcome and should be withdrawn.

The Examiner rejected claims 1-5, 8, and 13-17 under 35 U.S.C. § 112, second paragraph, for indefiniteness, asserting a variety of bases for the rejection. These bases will be addressed in the order established in the outstanding Office Action.

With respect to claim 1, Applicants thank the Examiner for the suggested punctuation separating “(G-CSF)” and “a polyol:oil”; that punctuation has been added to claim 1 by amendment herein. The Examiner also asserted that it was unclear whether a “thickener” was included as part of the composition and suggesting its recitation in the preparation steps; in response, Applicants have amended claim 1 to clarify that the “thickened

oil” is indeed a “thickener,” thereby clarifying the claimed subject matter without altering the scope of the claim. The Examiner further asserted a lack of sufficient antecedent basis for “thickened oil.” Applicants submit that the claim as amended, reciting “a thickened oil as a thickener,” has clarified the claimed subject matter and obviated any antecedent basis problem. Applicants further note that the application as filed provides unambiguous support for a “thickener” such as a “thickened oil.” *See, e.g.*, Example 11, page 26, lines 13-15 (preparation of thickened oils using stearic acid, stearic alcohol, and combination thereof as thickeners) and Example 9, page 25, lines 13-15 (thick oil prepared using a mixture of sesame oil and hydrogenated vegetable oil).

The Examiner rejected claim 2 under 35 U.S.C. § 112, second paragraph, for asserted indefiniteness in reciting a “biocompatible oil” with insufficient antecedent basis. Claim 2 has been amended to recite that the polyol of claim 1 is a biocompatible polyol selected from the claim-recited group. As amended, claim 2 does not suffer from a lack of proper antecedent basis. Moreover, the application as filed provides support for a biocompatible polyol at page 13, lines 16-31 wherein the specification identifies glycerol and other “biocompatible C-4 to C-19 polyols” such as the polyols recited in amended claim 2.

The Examiner rejected claim 3 under 35 U.S.C. § 112, second paragraph, for asserted indefiniteness in the antecedent for “said oil,” the antecedent assertedly being either the “polyol:oil” or the “thickened oil.” In response, Applicants have amended claim 3 to clarify that “said oil” refers to the oil of the “polyol:oil,” thereby overcoming the basis for the rejection by clarifying the claimed subject matter without altering the scope thereof.

Claim 8 was also rejected under 35 U.S.C. § 112, second paragraph, for asserted indefiniteness in reciting the plural “compositions.” In response, Applicants have clarified the subject matter of claim 8 by amendment to recite the singular “composition,” which is unambiguous in number. The Examiner also asserted insufficient antecedent basis for the recitation of “suspension” in step b) of claim 8. Applicants respectfully disagree, noting that step b) requires the act of “suspending” a G-CSF:polyol composition in a composition comprising a thickened oil, thereby resulting in a suspension. To expedite prosecution, however, Applicants have amended claim 8 to clarify this point. The amendments to claim 8 are clarifying amendments that do not alter the scope of the claimed subject matter.

Finally, the Examiner rejected claims 13-17 under 35 U.S.C. § 112, second paragraph, for asserted indefiniteness in depending from indefinite base claims. Applicants have overcome the rejection of each of those base claims under § 112, second paragraph, for asserted indefiniteness, as established in the preceding four paragraphs.

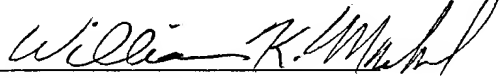
For all of the foregoing reasons, Applicants submit that the rejection of claims 1-5, 8 and 13-17 under 35 U.S.C. § 112, second paragraph, for asserted indefiniteness, has been overcome and should be withdrawn.

Conclusion

In view of the preceding amendments and comments, each of claims 1-5, 8 and 13-17 is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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